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SUBJECT: ALITALIA NON-COMPLIANCE WITH PASSENGER  
PRE-SCREENING

REF: STATE 094326

1. Econoff delivered reftel diplomatic note to MFA North American Office Director Francesco Tafuri May 24. Tafuri told Econoff May 25 that the MFA's legal office would provide guidance to the Interior Ministry regarding the legal authority, based on international agreements, to prevent designated passengers from boarding U.S.-bound flights. The MFA has not yet provided this guidance, however, despite our best attempts to expedite the process.

2. Econoff and TSA Rep gave a courtesy copy of the same diplomatic note to Interior Ministry Director General Alessandro Pansa, Director of Immigration and Border Police, May 24. Pansa expressed a willingness to help resolve the current impasse. However, he told us changes in Italian law would be required to authorize Alitalia to prevent passengers from boarding flights to the United States. Econoff cited the Chicago Convention and the International Air Services Transit Agreement as the relevant authorities permitting the United States to prevent any individual from boarding U.S.-bound flights. Pansa admitted his Ministry had not considered international treaties, and requested that we prod the MFA to provide the Interior Ministry with a legal interpretation of the treaties.

3. Econoff also forwarded courtesy copies of the note to Transport Ministry Director General Gerardo Pelosi and National Civil Aviation Authority President Vito Riggio May

4. We have met with both Pelosi and Riggio on the issue, and we expect both will be key players in finalizing a solution to this problem.

4. The Ambassador also met with Police Prefect Gianni De Gennaro May 31 to follow up on an April 20 discussion of the "No Fly" issue with Interior Minister Pisanu. De Gennaro promised to keep working on the problem to find a solution.

5. Comment: Despite these repeated interventions, the GOI still has not allowed Alitalia to take appropriate measures to comply with TSA's "No Fly" and "Selectee" regulations. Meanwhile, our Alitalia contacts have told us the airline is developing a plan to comply with the TSA regulations without the blessing of the GOI. Embassy TSA rep believes Alitalia's makeshift solution could be an effective one; however, the GOI could question the airline's activities if Alitalia prevents passenger boarding without having explicit GOI authorization to do so. End comment.

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